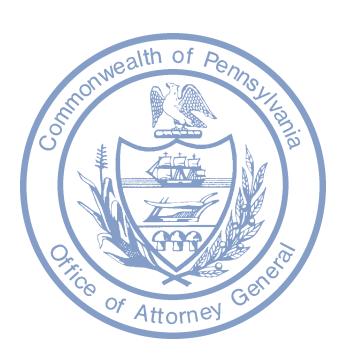




Task Force for

the Protection of

Older Pennsylvanians







Dear Pennsylvanian:

The Commonwealth of Pennsylvania has something for everyone. From our thriving urban centers to our picturesque small towns to our rural farmland and forests. . . people enjoy calling Pennsylvania their home. In fact, Pennsylvania ranks among the highest in the nation in keeping its native residents. Those who are born here, stay here.

Pennsylvania has also retained a large number of its retired and older residents. As the top law enforcement officer in the state, I am deeply concerned about the safety and welfare of this group of Pennsylvanians.

As the population of older Pennsylvanians rises, so does the number of abuses and fraud schemes directed at this population. It is clear that actions must be taken to protect our senior citizens. That's why I convened the Attorney General's Task Force for the Protection of Older Pennsylvanians.

In September 1998, I brought together experts from all over the state and charged them with identifying problems facing Pennsylvania's seniors and recommending solutions. Many meetings, in addition to hundreds of hours of research and phone calls, culminated in six public hearings covering everything from telemarketing fraud to elder abuse.

While we have made great strides in recent years in protecting our older population, there is still much work to be done. This report has been thoughtfully put together by the Task Force with input from citizens who have been victims of abuse, neglect, and unscrupulous business practices. I believe that the recommendations contained in this document form the necessary blueprint to address the victimization of our older citizens.

My sincere gratitude goes out to the Task Force members for volunteering their valuable time and efforts in creating this report. I believe our work will have a tremendous impact on the health and safety of our older Pennsylvanians.

Sincerely,

Mike Fisher Attorney General FIShe



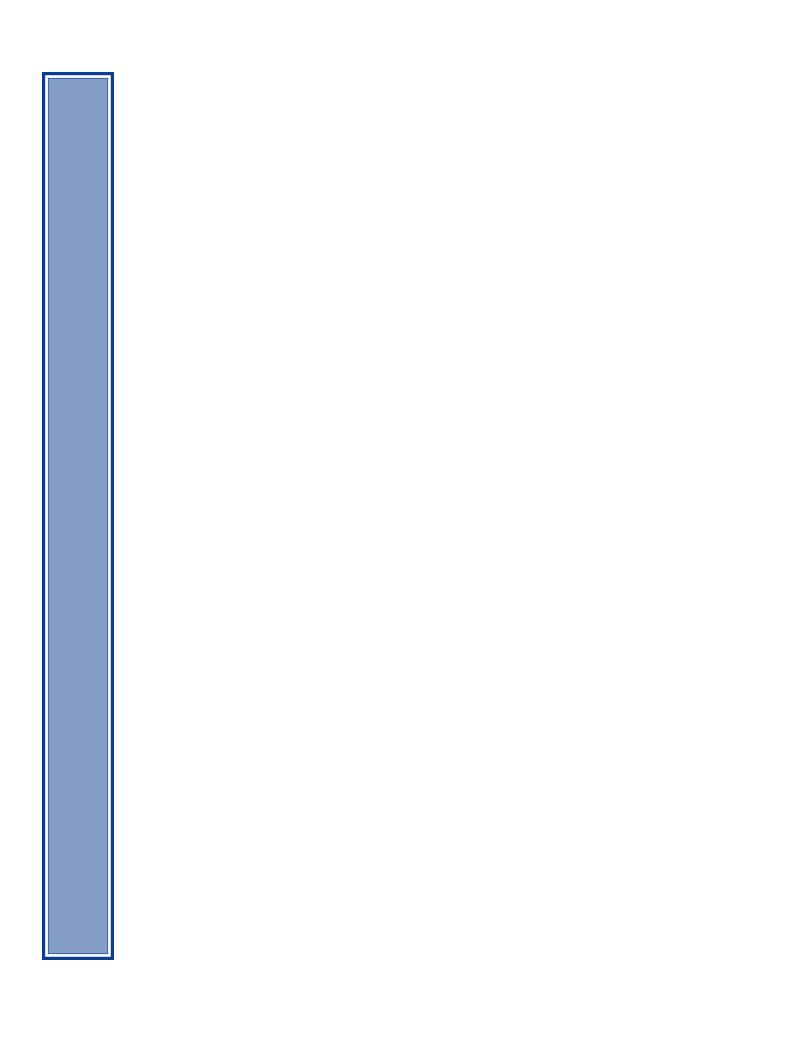
"Make no mistake about it, I'm committed to protect this group of Pennsylvanians, and we'll do everything in our power to see that no Pennsylvanian's golden years will be tarnished or cut short by the acts of thieves or criminals."

> Attorney General Mike Fisher November 4, 1999 at the Pittsburgh Hearing

Introduction 1

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Introduction

With 15 percent of its citizens over the age of 65, Pennsylvania has the second highest percentage of seniors in the nation, and that number is continually rising. Perhaps more importantly, the number of Pennsylvania consumers over 75 is increasing at an even faster rate. This year, close to one million Pennsylvanians will turn 75. In other words, one-twelfth of our state's population will be 75 years of age or older.

In order to fulfill its charge "to develop solutions to criminal problems such as physical or mental abuse, Medicaid fraud, insurance scams and other consumer-related concerns facing older Pennsylvanians throughout the Commonwealth," the 90-member Task Force for the Protection of Older Pennsylvanians (hereinafter "Task Force"), divided itself into six regional geographic groups that cover the state. There are members from Attorney General Mike Fisher's Bureau of Consumer Protection and Medicaid Fraud Control Section on the Task Force to offer their assistance.

The Regional Task Force groups held planning sessions and meetings for more than one year before conducting a series of public hearings that began last October. A hearing was held in each region addressing a different topic. The first hearing, on Senior Health Care, was held in Harrisburg; followed by hearings in Philadelphia, Johnstown, Erie, Pittsburgh and Scranton. The hearings covered the topics of Home Improvement, Telemarketing, Sweepstakes, Elder Abuse and Financial Exploitation.

This report will summarize each working group's topic, give details on each group's public hearing and provide recommendations.



"Telemarketers keep detailed information on you, which is part of the con. They get to know you, when you're at home, they call you and talk to you...and as they do that they build confidence in order to effect the rip-off."

> Senior Deputy Attorney General Barry Creany Bureau of Consumer Protection October 25, 1999 at the Ebensburg Hearing

Telemarketing and Sweepstakes

BACKGROUND

Telemarketing and sweepstakes have evolved into a problem seriously affecting older citizens today. Although these types of scams are not confined to the elderly, this segment of our society is especially susceptible to such fraud. Telemarketing and sweepstakes fraud ranks second on Pennsylvania's top 20 list of consumer complaints filed by senior citizens. In 1997 and 1998, more than 500 senior citizens filed formal complaints with Attorney General Mike Fisher's Bureau of Consumer Protection regarding illegal business practices of telemarketers or sweepstakes operators.

We have all received annoying telemarketing calls or unwanted sweepstakes solicitations in the mail. However, telemarketing and sweepstakes are not independent problems, they sometimes overlap. In fact, one of the most prevalent types of telemarketing fraud is the sweepstakes scam.² Other types of telemarketing fraud include foreign lotteries, investments and travel promotions.³ Even well-known sweepstakes promoted through mailings, with such recognizable names as Publisher's Clearinghouse, Reader's Digest and American Family Publishers, can be problematic and confusing to the elderly.⁴

One example, demonstrating the confusion surrounding telemarketing and sweepstakes, was the testimony of an elderly Johnstown area woman at one of the Regional Task Force monthly meetings. This elderly woman entered many sweepstakes daily and was convinced that she had actually won a large cash prize. She went so far as to contact her accountant to plan for the income tax consequences of the extra income. After hearing her describe her experiences with sweepstakes in which she lost approximately \$4,000, and realizing that the woman remained convinced that she would receive these winnings, the Task Force members agreed that this issue merited attention.

Witnesses who testified at a public hearing on October 25, 1999, in Johnstown, included professionals with specialized knowledge about telemarketing and sweepstakes and the impact on the elderly, as well as elderly consumers who experienced problems with telemarketers and sweepstakes solicitations firsthand. One common thread in the testimony was that though the problem may seem harmless, it can cause both financial and psychological damage to an already vulnerable group of people. Having identified telemarketing fraud and deceptive sweepstakes mailings as ongoing problems for the elderly, it was apparent from the testimony that additional legislative, law enforcement and public education initiatives should be taken to combat these problems.

² Mark Allan Baginskis, Telemarketing Fraud Upon the Elderly Shows No Sign of Slowing, 11 Loy. Consumer L. Rep. 4 (1999).

³ Sarah Reznek, Fraudulent Telemarketing: Crime and Punishment, 77 Mich. B.J. 1210 (1998).

⁴ On January 24, 2000, Attorney General Mike Fisher filed a lawsuit against Publisher's Clearing House for allegedly violating Pennsylvania's Unfair Trade Practices and Consumer Protection Law. That law, among other things, prohibits conduct "likely to cause confusion" and includes enhanced penalties for fraud perpetrated against seniors. On April 5, 2000, Attorney General Mike Fisher entered into a settlement (AVC) with United States Purchasing Exchange of Northridge, CA. As a result, thousands of Pennsylvania consumers who have made substantial purchases from USPE in response to their sweepstakes will be eligible to share in a \$35 million nationwide refund plan. (Notice to eligible consumers expected to be mailed out by September.)

TELEMARKETING FRAUD

Sweepstakes were the number one form of telemarketing fraud reported to the National Consumer League's National Fraud Information Center.⁵ It is not an accident that many victims of telemarketing fraud are elderly. Sweepstakes promoters gather information about consumers and pass this information on to list brokers. The list brokers then compile and sell this information to telemarketing companies. Some telemarketing companies use what is referred to as a "mooch list." Mooch lists are lists of people who telemarketers are able to defraud. These lists are started by "cold calling" or calling people who have not yet proven to be vulnerable. The lists are then refined to identify only those people who have a tendency to fall prey to telemarketing scams. The people from mooch lists, or "sucker lists" as they are sometimes called, are then contacted on a daily basis.⁶

Typically, con-artists focus on several factors that make the elderly more vulnerable to telemarketing or sweepstakes schemes. Older people are very trustworthy and have a tendency to fall victim to deals that sound legitimate and promise huge cash rewards. Older consumers who make many sound financial decisions on a routine basis, have purchasing experience, but are reluctant to spend money that took many years of hard work to accumulate. However, even experienced consumers who have a record of sound financial judgments can become victims. Age-related change is one factor that may cause older people to become victims. Such changes may include disease, mental health and social factors. For instance, many seniors have trouble with their hearing. This puts them at a disadvantage on the telephone and they may agree to something that they did not hear correctly. Also, before telemarketing fraud was a concern, older people were taught to be polite. Therefore, many seniors are reluctant to hang up on a telemarketer and will listen to what they are promoting. Unfortunately, this often leads to confusion and fraud because the longer a person remains on the telephone the more likely they are to agree to something they will regret.

A significant number of older people live alone and do not have much contact with family members or friends. This makes them vulnerable to telemarketers because they are at home for a large part of the day and are more likely to answer the telephone. Also, some of these people are lonely and welcome the attention that the telemarketer is giving to them. Some telemarketers will call the victim a number of times a week urging that the victim go to the bank and withdraw large sums of money.

⁵ Johnstown Task Force Hearing, Testimony of Mary Bach, AARP Pennsylvania State Coordinator for Consumer Issues.

⁶ Johnstown Task Force Hearing, Testimony of E. Barry Creany, Senior Deputy Attorney General, Bureau of Consumer Protection.

⁷ Johnstown Task Force Hearing, Opening remarks by Attorney General Mike Fisher.

⁸ Johnstown Task Force Hearing, Testimony of Dr. Dan Lago, Ph.D., Extension Specialist on Adult Development and Aging, Penn State University.

⁹ Johnstown Task Force Hearing, Testimony of David J. Tulowitzki, Cambria County District Attorney.

For example, at the Johnstown Task Force Hearing Mary Lou Slagle testified that she received a telephone call from a Canadian telemarketer who claimed to be an attorney with a Canadian law firm.
Ms. Slagle was told that a judgment was entered against a lottery group in Canada for fraud and that she was entitled to \$110,000 of that judgement. However, before she could receive her portion she would need to submit a cashier's check in the amount of \$7,700 for taxes. The telemarketer continued to call Ms. Slagle to urge her to go to her bank and withdraw the money. The telemarketer tried to convince Ms. Slagle that this was to be kept confidential. At the hearing, Ms. Slagle described the telemarketer as "very convincing." Mary Lou Slagle's story does have a happy ending. She not only refused to send the money to this Canadian telemarketer, but she reported her experience to the Bureau of Consumer Protection. Senior Deputy Attorney General E. Barry Creany stressed in his testimony at the Johnstown Task Force hearing that many telemarketing firms are located in Canada to avoid being easily prosecuted in the United States.
United States.

"I got this magazine and Reader's Digest was a great magazine, so I just thought that they were dependable people. So when they started with this sweepstakes, I just went along with it because I thought they were honest people."

Germaine Pettenati Consumer October 25, 1999 at the Johnstown Hearing

 $^{^{\}mbox{\tiny 10}}$ Johnstown Task Force Hearing, Testimony of Mary Lou Slagle.

¹¹ Id

¹² Johnstown Task Force Hearing, Testimony of E. Barry Creany, Senior Deputy Attorney General, Bureau of Consumer Protection.

DECEPTIVE SWEEPSTAKES MAILINGS

As previously discussed, there are similarities between telemarketing and deceptive sweepstakes mailings in that information is often shared. However, after the people who will be included in a mailing are identified, there are some unique features to sweepstakes mailings. While telemarketers are able to tailor their presentation to pressure victims by using convincing rhetoric and other tactics, deceptive sweepstakes mailings use clever wording and other marketing tools to deceive. Language such as "YOU HAVE AUTOMATICALLY WON" is at the core of this fraud and deception.¹³

Germaine Pettenati testified at the Johnstown Task Force hearing about her experience with sweepstakes mailings. Mrs. Pettenati purchased thousands of dollars worth of merchandise in order to enter sweepstakes promotions. She testified that "I got this magazine and Reader's Digest was a great magazine. So I just thought that they were dependable people. So when they started with this sweepstakes, I just went along with it because I thought they were honest people." She did not even open the packaging on most of the merchandise. Mrs. Pettenati stated that her reason for ordering the merchandise was that she wanted to win the prize so that she could help her grandchildren. Mrs. Pettenati was fortunate because her children discovered the merchandise and were able to help her receive a refund for the unopened packages. At the Johnstown Task Force hearing, Mrs. Pettenati's son testified that "I can't believe my mother would be involved this deep financially with Reader's Digest." Germaine Pettenati's situation illustrates just how important the involvement of family members is in helping the elderly overcome the problems of telemarketing and sweepstakes fraud.

Throughout the Task Force meetings, members identified the following three reasons why family members may not get involved with the problem of telemarketing and sweepstakes fraud:

- they do not realize there is a problem;
- they are embarrassed by the elderly family member; or,
- the elderly family member does not want any help for fear of losing their independence.

Other considerations discussed during the Task Force hearing included concerns of family members about the way elderly persons spent their money because of how it might affect their inheritance. Such situations often cause tension within a family and may even result in the elderly person sending the money to the sweepstakes just to show other family members that they are in control of their own finances

¹³ Johnstown Task Force Hearing, Testimony of Mary Bach, AARP Pennsylvania State Coordinator for Consumer Issues.

¹⁴ Johnstown Task Force Hearing, Testimony of Germain Pettenati.

¹⁵ *Id*.

Larry Pettenati testified with his mother at the Johnstown Task Force Hearing. He filed a complaint on behalf of his mother with the Bureau of Consumer Protection which secured a refund of \$13,846.52.

17 *Id*.

TELEMARKETING AND SWEEPSTAKES RECOMMENDATIONS

Policy Initiatives

<u>Creation of "Do Not Call" List</u>: The Task Force recommends that legislation be enacted establishing a statewide database of telephone subscribers who do not want to receive any telephone calls from telemarketers. ¹⁸ If necessary, the consumers could be required to pay a minimal annual fee covering the cost of providing this service. Additionally, such legislation should provide for the assessment of a substantial penalty against any telemarketer calling a person included on the list.

<u>Creation of "Do Not Send" Database</u>: The Task Force recommends enacting legislation establishing a statewide database of people who do not want to receive any sweepstakes solicitations. The Attorney General's Office and the U.S. Postal Service (or a private contractor) could join forces to compile and maintain this database. Although there are trade associations that have compiled lists of people who do not want to receive solicitations, the effort has not been entirely successful for various reasons.

<u>Courier Pickup and Delivery Services</u>: Because fraudulent businesses often use courier and delivery services, the Task Force recommends that legislation be enacted prohibiting companies from using a courier to retrieve a consumer's deposit or payment in connection with a prize promotion or the recovery of money previously lost by the consumer.¹⁹ This legislation would make it tougher for unscrupulous telemarketers to collect the money from trusting consumers who never collect the prize promised.

<u>Prohibit Blocking of Caller I.D. Service</u>: The Task Force recommends that legislation be enacted prohibiting telemarketers from blocking the use of a consumer's Caller I.D. service.²⁰ This legislation would be helpful to consumers of all ages by enabling them to screen their calls and not answer calls from telemarketers.

<u>Increased Privacy Protection</u>: The Task Force recommends enacting legislation to protect people's private information, such as social security numbers, dates of birth and personal financial information. The elderly can be easily misled into believing that they have won a sweep-stakes by telemarketers who bolster their credibility by disclosing private information about the consumer.

¹⁸ The following states have created a "do not call" list: Arkansas, Georgia, Kentucky, Florida, Missouri, New York, Oregon, Tennessee and Texas.

¹⁹ In 1999, New York enacted S.B. 4143 which prohibits courier pickup and delivery services.

²⁰ Illinois enacted H.B. 157 which prohibits blocking of Caller I.D. service, which went into effect on January 1, 2000.

Educational Initiatives

The Task Force focused on educational initiatives because of the relative ease with which they can be implemented. The Task Force believes that the following additional recommendations will have an immediate impact by helping current victims and preventing others from being victimized.

Statewide Advertising Program: The Task Force recommends that a statewide advertising program on telemarketing and sweepstakes fraud be put into place immediately. These advertisements should be simple and straightforward in order to reach seniors with information regarding their rights. Pennsylvania victims could be represented in the advertisements, which should include television and public service announcements, as well as, print advertisements in newspapers and magazines.²¹

<u>Toll Free Number for Support and Help</u>: The Task Force recommends that a support number be available for the elderly to call. This will be especially helpful to people who are embarrassed and need the confidentiality of this type of service. Advertisements publicizing this number should likewise be very simple. The Task Force members recommend including only the telephone number and a short description of the help available.

<u>Include Announcements with the "Meals on Wheels" Programs</u>: The Task Force recommends periodically including a one-page handout with each meal delivered to the homes of the elderly. This method of outreach is important because these people are generally unable to attend presentations at their local senior activities center.

<u>Continued Cooperation between State, Federal and County Agencies</u>: The Task Force recommends continued cooperation between all agencies that provide services to the elderly. For example, the Task Force recommended that agencies share information with other agencies to distribute at presentations or senior fairs.

<u>Educate about Internet Sweepstakes</u>: The Task Force recommends educating the elderly about Internet sweepstakes because of the increased use of computers by senior citizens. There were at least 500 online sweepstakes in 1998 and that number is expected to increase rapidly.²² Because many elderly are retired and can spend time on the Internet, they are at an increased risk of becoming victims of deceptive online sweepstakes.

²¹ The Johnstown Senior Activities Center, 550 Main Street, Johnstown, has a monthly publication, *Senior Spirit*.

²² Mark Grossman, *The Internet Sweepstakes Formula: Don't Cut Corners*, 4 Internet Newsl.: Legal and Bus. Aspects 6 (1999).

Home Improvement

BACKGROUND

Home improvements are a fertile source of consumer complaints. From 1993 to 1998, home improvement complaints consistently ranked near the top of the 53 complaint categories maintained by the Attorney General's Bureau of Consumer Protection. Over that five-year period, the Bureau received an average of 2,400 home improvement complaints per year. The problems with the home improvement industry are not unique to Pennsylvania. Each year, the National Association of Consumer Agency Administrators surveys its 160 members, consisting primarily of consumer protection agencies from various levels of government. In recent surveys, the Association has discovered that home improvement complaints are second in frequency only to automobile-related complaints. For example, in the Association's 1996 survey, 71% of the member agencies listed home improvement complaints among their five most common complaint categories.

Moreover, the Bureau's complaint statistics confirm that Pennsylvania's senior citizens are the most frequent victims of home improvement consumer violations. Of course, there are many reasons for this unfortunate statistic. One reason is that a greater percentage of seniors are homeowners and lack the physical capacity to perform the maintenance and repair that a dwelling requires over time. Seniors who are widows are viewed as particularly vulnerable to home improvement scams, because in many cases their husbands had assumed sole responsibility for home repairs and improvements. In addition, seniors are vulnerable to the scare tactics and sales pressure that have come to characterize home improvement scams.

Another reason for the frequent victimization of seniors is that they are often at home when the illegitimate operators telephone or knock on their doors. A common method employed by these con artists is to exaggerate or even fabricate "problems" with the dwelling that the criminal is able to fix at "a great price." The Bureau's complaint files are replete with instances in which unscrupulous operators have frightened, intimidated, or even threatened older Pennsylvanians into agreeing to the purported repairs.

Seniors need to learn to recognize the signs of fraud when negotiating home improvement loan issues. Do not always believe that the verbal promise will be kept. Take control of the issue. . . if you're not in control, the swindler is in control.²³

²³ A. Courtney Yell, Bucks County Director of Consumer Protection, testifying at the Philadelphia Regional Task Force public hearing on home improvement fraud.

The members of the Task Force concentrated on developing strategies for seniors to protect themselves from dishonest or unethical home improvement contractors. One recommendation is that seniors devote the effort necessary to assure themselves of the contractor's legitimacy by obtaining references from others who are able to render an honest and reliable evaluation of the contractor, including homeowners for whom the contractor has worked in the past or other reputable contractors in the area. Another recommendation is for seniors to assess the extent of repairs required and to ascertain how much it will cost to fix the problem. Although more often than not, a dishonest contractor will not hesitate to provide a fraudulent estimate, seniors may be able to avoid victimization by scrutinizing a contractor's quote and discussing the details with them.

A 65-year-old woman from West Philadelphia called our office seeking assistance in finding a contractor to whom she had paid \$500 to have her roof repaired (let me note that this client receives only \$558 per month in Social Security income). When the roof was finished, our client paid the contractor in full. Subsequently, the roof began to leak. But our client found when she tried to get back in touch with the contractor, that the phone had been disconnected. Because she did not have a driver's license, she could not drive to the address she had been given to see if the business was still there. Our investigation revealed that the business was no longer at the address on the contract, nor did the telephone number lead us to the contractor. The contractor had disappeared leaving our client with a leaking roof and much of her savings gone. Further, a search of the Philadelphia county judgment database revealed several open judgments against the contractor, including federal and state tax liens.²⁴

Scams of this sort are perpetrated against hundreds of older Pennsylvanians every year. The 65-year-old woman from West Philadelphia is just one sobering example of the problem. This and sad tales from other Pennsylvanians led the Task Force to propose two equally vigorous measures to combat home improvement abuses: education and legislation.

The overwhelming consensus of Task Force members advocate some form of the proposed "Home Improvement Consumer Protection Act" (House Bill 608; Senate Bill 295) be enacted into law. This legislation would require contractors to register with the state, and would inaugurate a statewide toll-free telephone number through which consumers could verify the registration status of contractors. This legislation calls for enhanced and specific criminal penalties for failing to perform work for which the consumer has paid. Finally, the legislation would create a statewide Guarantee Fund, paid for by contractors, designed to reimburse consumers who are unable to collect on court judgments against contractors.

²⁴ Sandra Chaff, Esq., Staff attorney with Senior Citizen Judicare Project and a member of the Attorney General's Task Force for the Protection of Older Pennsylvanians, testifying at the Philadelphia public hearing on home improvement fraud.

The public support for this legislation appears to be strong, as reflected by testimony taken at two of the regional public hearings in Philadelphia and Erie:

I wish we would have had more information on this construction company or on the contractor himself. I would like to see an agency, a toll-free number to call or a repository that can compile information that anyone can obtain. We didn't know that others had been victimized until after it had happened to us.²⁵

In Pennsylvania, if I have a pair of pliers and a roll of electrical tape, I'm an electrician. If I have a hammer and a pick-up truck, I'm a home improvement contractor. Come to think of it, in Pennsylvania, I don't even need a pair of pliers and a roll of electrical tape to be an electrician or a hammer or even a pick-up truck to be a home improvement contractor.²⁶

Case after case substantiates the need for safeguards to protect older
Pennsylvanians from the stress and financial loss incurred when unscrupulous
home repair contractors are permitted to prey upon our senior citizens. Judicare, therefore,
supports passage of the Home Improvement Consumer Protection Act,
a toll-free number to access registration information, which is linked to judgment databases
around the state, computer access to this information in libraries, schools
and senior centers around the state. And, perhaps, the key to the success of any of
these initiatives, a concerted, widespread advertising campaign (in media that
reaches all consumers, including the poor and elderly of our communities)
informing Pennsylvanians of the existence of these safeguards.²⁷

"I am very supportive of the concept of registration. I think that registration obviously needs to be accessible to the public and I think just by virtue of having the registration requirement, we are going to discourage in the Commonwealth of Pennsylvania these fly-by-night contractors from coming to this state and doing business..."

State Senator Jane Earll November 11, 1999

²⁵ Ms. Helen Stevens from Erie, PA who lost over \$5,000 to a home improvement contractor in 1997.

²⁶ Fran Fry, columnist for Times Publishing Company in Erie, commenting on the fact that there is no state licensing of these building trades.

²⁷ Sandra Chaff, Esq. Staff attorney with Senior Citizen Judicare Project.

HOME IMPROVEMENT RECOMMENDATIONS

<u>Support passage of a Home Improvement Consumer Protection Law</u>: The Task Force believes that the enactment of legislation provide for the following would help to prevent and prosecute home improvement fraud:

- statewide registration of home improvement contractors,
- enhanced criminal penalties for home improvement fraud,
- **and the establishment of a fund to reimburse consumers for uncollectible losses.**

<u>Education of District Justices and District Attorneys</u>: The Task Force strongly recommends an educational program for District Justices and District Attorneys on what to look for in home improvement fraud cases.

Promote Consumer Awareness: In the past, the Office of Attorney General has worked with the building industry to create educational materials, such as the "Looking For a Builder?" brochure and the Public Service Announcement entitled "How to Keep Your Remodeling Job From Turning Into a House of Horror," which were joint projects with the Pennsylvania Builders Association. The Task Force strongly recommends continuing this practice of cooperation.

Promote Online Access to Home Improvement Contractor Judgments: One of the most innovative developments in the fight to protect consumers from unscrupulous contractors is access to Civil Docket information.²⁸ The First Judicial District in Philadelphia is one of the first courts in the nation to go on-line with Internet access to detailed lawsuits contained in Civil Dockets. The entire on-line system contains an estimated 1.7 million civil cases.²⁹ Consumers can now check lawsuit data to determine whether a prospective contractor has a history of being sued and the results of those actions.³⁰ Using the existing Philadelphia database as a model, the Task Force recommends the creation of such a database in each county of the Commonwealth. These databases would contain the names of all contractors in each county who have judgments against them. Also, we recommend that a link be established between the registration database (proposed in the Home Improvement Consumer Protection Act) with the judgment databases so that the callers to the 800 Registration number will be able to ascertain if the contractor has any outstanding judgments. Finally, we recommend that a link be created on the Pennsylvania Office of Attorney General's Website to the registration and judgment databases.

Restructure Reporting Process: Have the Attorney General's Office develop a more comprehensive system to define and report home improvement complaints. The Bureau of Consumer Protection's existing method of compiling complaint statistics could be expanded to further define categories of conduct, i.e. painting, repairs to existing structures, replacement windows, etc.

²⁸ Testimony of *DONALD A. VARLEY, JR.*, *Internet Administrator for the First Judicial District of Pennsylvania, the Philadelphia Courts*.

²⁹ Id.

³⁰ Id.

Senior Health Care

BACKGROUND

As more and more Pennsylvanians move into the senior age category, the concern for access to health care becomes even greater. Until recently, senior access to health care focused on conventional Medicare as it was originally designed, as well as supplemental options some seniors had through former employers. However, as we all know, health care has changed dramatically in the past 10 years and senior health care has been no exception.

The recent changes in senior health care options, most notably managed Medicare, have caused confusion on the part of senior beneficiaries, caregivers and even health care providers. It is imperative that older Pennsylvanians receive the information they need to make responsible and informed choices in their current and future health care needs. Equally important is the need to be protected from fraudulent and abusive practices that could jeopardize their lives. Changes to the health care service industry and questions regarding insurance coverage and hospital and doctor bills, have increasingly led to consumer confusion. Many times, elderly consumers mail in checks for more money than they owe simply because they don't understand the barrage of paperwork sent to them after a procedure or office visit.³¹

Pennsylvania's Managed Care Bill of Rights, commonly known as Act 68 of 1998, is intended to offer all Pennsylvanians, including seniors, protection with regard to mandatory disclosures that managed care plans must provide to enrollees.³² There are agencies and law enforcement bodies such as Pennsylvania's Department of Aging, Department of Health, Insurance Commission, Department of Public Welfare, and the Office of Attorney General's new Health Care Unit that promote education and enforce these requirements. However, the Task Force determined that more in the way of legislation and education needs to be done to help protect the elderly against fraud and abuse in the rapidly growing area of health care.

Attorney General Fisher's Central Regional Task Force held a public hearing on Thursday, October 14, 1999, in Harrisburg, Pennsylvania. Seven witnesses from public health care and senior consumer advocate sectors testified at the hearing. The Task Force wanted to identify current problems within the senior health care system, as well as focus on trends affecting senior health care, and bring them to the forefront of public awareness. In addition, the Task Force wanted to obtain information to facilitate the ability of older Pennsylvanians to sort out the confusion in health care access and options through appropriate education and resources. Those who testified at the hearing stressed that the first step

³¹ The Tribune Democrat, *Consumer Watchdogs*, February 18, 2000.

The Quality Health Care Accountability and Protection Act, 40 P.S. § 991.2101 et seg.

is public education. Testifying on this subject were representatives from the APPRISE Program, the State Long Term Care Ombudsman program and the Health Care Fraud Education Project (HCFEP) at the Center for Advocacy for the Rights and Interests of the Elderly (CARIE).

The APPRISE program is a federally mandated health insurance counseling program for people over the age of 60. The program encompasses counseling on Medicare, Medicare + Choice, Medicare Supplemental and Medigap Policies, Medical Assistance and long term care insurance.³³ It is largely volunteer driven with a coordinator in each of the 52 Area Agencies on Aging in Pennsylvania.³⁴ In his testimony, Mr. Don Greth, Director of the Client Assistance Department for the Berks County Senior Citizens Council, emphasized the importance of the APPRISE program for older Pennsylvanians, particularly because of the vast changes in Medicare over the past several years. He explained that the Federal Health Care Financing Administration (HCFA) introduced Medicare + Choice into the Medicare system. The purpose of this federal law is to give seniors a wide variety of choices in their health care through Medicare. However, terms such as HMO, PPO, PSO, managed care, fee for service, private contract, medical savings accounts or MSA's are now all part of the Medicare vocabulary³⁵ and may confuse Medicare beneficiaries. This confusion has lead to misunderstandings, misinformation and in some cases fraud. Older Pennsylvanians are susceptible to all types of misleading advertising and sales pitches.³⁶

To assist seniors in better understanding the system, APPRISE volunteers answer questions for seniors and provide advice on a variety of issues including:

Appeals. Volunteers with APPRISE assist Medicare beneficiaries in appealing denials of payments for services that the senior believes should have been covered.

The Healthy Horizons Program. The Pennsylvania Department of Welfare program gives enrollees extra money every month to pay for other necessary expenses not covered under Medicare.³⁷

So-called "long term care contracts." Some companies have been offering phony contracts misleading some seniors into thinking they are buying long term care insurance when, in fact, they are offering to pay for benefits already covered by Medicare or unneeded services.³⁸

³³ Central Region Task Force Hearing, Testimony of Don Greth, Director of Client Assistance for the Berks County Senior Citizens Council, Inc. in Reading, APPRISE Coordinator for Berks County.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id.

³⁸ Id.

Although the APPRISE program has been around for quite sometime, there is a lack of public awareness about the benefits and services available to older Pennsylvanians.

The testimony demonstrated that health insurance, particularly for Medicare-eligible individuals, has changed so rapidly over the past few years that folks need good advice, even when they think they understand the system. These changes contribute to an increased risk of fraud, confusion as to the way the system works, and a lack of awareness of places to turn for help. The Task Force applauds the work of the APPRISE program and recommends increased funding and additional outreach programs in order to educate the public.

More public education efforts are coming from the Department of Aging's State Long-Term Care Ombudsman Program, which is specifically charged with protecting the rights of Pennsylvania's care dependent elderly.³⁹ In an effort to reduce the number of potential victims of substandard care and mistreatment from long-term care providers, state trained and certified ombudsmen explain complicated laws and regulations designed to protect the rights of the frail and vulnerable; empower consumers to exercise those rights; and advocate for those who cannot do so on their own behalf.⁴⁰

Testimony at the Task Force hearing, given by the long-term care Ombudsman, stated that each year due to waste, fraud and abuse the Medicare Program loses an estimated \$20 billion, or about 11% of national spending intended for needed health care services for beneficiaries. The perpetrators can be unscrupulous physicians, large multi-state companies, medical equipment dealers, ambulance companies, laboratories, hospitals, nursing homes and home health care agencies. In addition, far too many individuals, who do not even provide health care services, manipulate the nation's health care programs with fraudulent scams. These fraudulent scams cause increased premiums for individual beneficiaries and businesses throughout the Commonwealth.

It was noted that the vast majority of health care professionals are honest and provide the best care they can. Unfortunately, health care fraud, which robs Medicare and Medicaid of tens of millions of dollars, can place patients at risk and in serious physical harm.⁴³ The Ombudsman advised that education and outreach programs, such as those conducted by the Pennsylvania Department of Aging and CARIE (Center for Advocacy for the Rights, and Interests of the Elderly) help individuals recognize and report questionable charges on their medical statements.⁴⁴

³⁹⁰ Central Region Task Force Hearing, Testimony of Joyce O'Brien, Pennsylvania Department of Aging, Long-Term Care Ombudsman.

⁴⁰ Id.

⁴¹ Id.

⁴² Id.

⁴³ Id.

⁴⁴ Id.

CARIE, through its Health Care Fraud Education Project, is leading a consortium of groups to raise awareness of health care fraud.⁴⁵ CARIE sponsors a broad range of advocacy programs, including a long-term care Ombudsman program in Philadelphia; the CARIE Line which is a telephone counseling line that responds to the needs of older adults, including those who are the victims of crime and abuse; a model elder abuse prevention training program; and other advocacy programs.⁴⁶ Again, it was noted that increased consumer awareness about how health care fraud occurs and how improvements in the quality of care can benefit the Medicare and Medicaid programs without costing more money and may negate the need for higher premiums, deductibles and co-payments.⁴⁷

The presentation to the Task Force by the Director of CARIE's Health Care Fraud Education Project (HCFEP), focused on awareness of fraud, waste and abuse of the Medicare and Medicaid programs.⁴⁸

These three programs, the APPRISE program, CARIE and the Long-Term Care Ombudsman program all offer assistance, counseling and education to older Pennsylvanians regarding their health care options and to heighten awareness of possible fraudulent health care practices. In the opinion of the Task Force, there seems to be no lack of information on senior health care in the Commonwealth of Pennsylvania. However, there is a lack of awareness of existing educational programs and services and a great deal of bureaucratic overlap.

"Everyone pays the price for health care fraud..."

Joyce O'Brien
Ombudsman, Department of Aging
October 14, 1999 at the Harrisburg Hearing

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id

⁴⁸ Central Region Task Force Hearing Testimony of Nora Dowd, Center for Advocacy for the Rights and Interest of the Elderly; Director of the Health Care Fraud Education Project.

SENIOR HEALTH CARE RECOMMENDATIONS

<u>Consolidated Education and Outreach</u>: While the Task Force realizes that education is the most valuable method of protecting older Pennsylvanians from health care fraud in a competitive and rapidly changing health care market, it is strongly recommended that dissemination of this information be consolidated. All resources should be focused on integrating the massive amount of information available to seniors in order to facilitate the accessibility of health care.

<u>Develop Official Directory of Toll-Free Numbers</u>: With the ever changing nature of health care, consumers may be getting "lost in the shuffle" or overwhelmed by information from these agencies or groups trying to assist them. This is illustrated by the comments of Attorney General Mike Fisher at the Harrisburg Public Hearing:

"Just what I'm hearing from the three of you (testimony presented by John Greth, Nora Dowd and Joyce O'Brien) today is three separate places where people can call. So what we see is a proliferation out here of 1-800 numbers, which in and of itself has to be confusing to the consumer as to whom it is you call and why you would call the Ombudsman for one and southeastern Pennsylvania CARIE for another, or elsewhere APPRISE for another. Even my Office has an 800 number. I believe, that there should be another section of the phone book (Red Pages) to serve as a reference guide to older Pennsylvanians."

The Task Force proposes the development of a comprehensive official directory containing a guide to services statewide; a description of what each service offers; and a list of toll-free numbers. These directories could be distributed to police departments, schools, municipal buildings, libraries, county buildings, and all law enforcement and health care related agencies within the public and private sectors. Funding for this project might come from the phone companies who could include the directories in phone books. Further, the advertising of the directories could come from public service announcements and literature placed in public and private health related and law enforcement agencies.

Expand State-Funded Training on Neglect and Abuse: Act 28 of 1995⁴⁹ gives the Office of Attorney General and District Attorneys across the state jurisdiction to investigate and prosecute cases of neglect or mistreatment of a care-dependent person. The Pennsylvania Office of Attorney General, through its Medicaid Fraud Unit, continues to provide Act 28 training to professionals across the Commonwealth. The training creates public awareness of abuse and neglect and educates members of law enforcement and the health care field. It is proposed that the training be expanded through additional funding to include outreach to the public, especially the senior community. Raising awareness of health care fraud and abuse through inserts in everyday items such as monthly utility bills was suggested. It is also strongly recommended that legislators send out newsletters to their constituents periodically regarding the availability of information and education on health care fraud and available options.

⁴⁹ 18 Pa. C.S.A. § 2713.

Continue Sponsoring APPRISE Program: The Task Force strongly recommends the continuation of the APPRISE program administered by the Pennsylvania Department of Aging. APPRISE is designed to assist and educate the elderly in the selection and understanding of health insurance options. Through testimony submitted by APPRISE during the Central Region Task Force Hearing, the Task Force recognizes that funding for the advertising of this program is limited. Therefore, additional funds should be granted to elevate the awareness of the benefits and existence of this worthwhile program.

"Health Care fraud not only costs money, it can place patients at risk and in serious physical harm and in some instances...cause unnecessary deaths."

Joyce O'Brien
Ombudsman, Department of Aging
October 14, 1999 at the Harrisburg Hearing



Elder Abuse

BACKGROUND

As previously noted in this report, Pennsylvania ranks second in the United States in the percentage of older people over the age of 60.⁵⁰ As many as one in 20 older adults in the Commonwealth of Pennsylvania may be at risk of being abused.⁵¹ Although elder abuse may not be considered the typical consumer issue, the Task Force considered it to be a serious problem which affects older Pennsylvanians and decided that it should be addressed within this context. In 1998, the Pennsylvania Office of Attorney General conducted 28 full-scale investigations into patient neglect cases. Such cases have involved a 75-year-old Delaware County nursing home patient, who died three days after she was left unattended in a hot bath, and an 85-year-old Wayne County woman, who suffered from bed sores four inches in diameter that exposed her spine. However, physical abuse and neglect are not the only forms of elder abuse. Elder abuse also involves abandonment, psychological abuse and financial exploitation. With this in mind, the Task Force sought to identify the victims and abusers and to review the current law to make recommendations on solving the continued problem of elder abuse.

"I would like to start by making sure that we don't slip into the trap of thinking of the elderly as all dependent and frail and needing help. The best strategy for the protection of older persons is self-care and self-protection..."

Dr. Dan Lago
Extension Specialist on Adult Development and Aging at Penn State University

November 5, 1999 at the Pittsburgh Hearing

⁵⁰ Testimony of Adrian Turowski, Director of the Office of Program Management within the Pennsylvania Department of Aging, before the Southwestern Region Hearing on Elder Abuse, November 5, 1999. Mr. Turowski provided testimony based upon the *1997-1998 Older Adult Protective Services Report* issued by the Pennsylvania Department of Aging.
⁵¹ Id.

CURRENT LAW

Act 28 of 1995⁵² gives the Office of Attorney General and District Attorneys across the state jurisdiction to investigate and prosecute cases of neglect or mistreatment of long term care residents by their caretakers.⁵³ The Pennsylvania Office of Attorney General through its Medicaid Fraud Unit continues to provide Act 28 training to professionals across the Commonwealth. The training serves to create awareness and educate law enforcement and others as to the signs of neglect in elder abuse. Act 28 requires state inspectors to report to prosecutors any injuries, abuse or neglect that may occur in a licensed home or facility. To further assist these prosecutors, the Pennsylvania Office of Attorney General created a medical/legal advisory board on abuse and neglect. The board, which is made up of district attorneys, deputy attorneys general and medical professionals, creates a forum to review and discuss abuse and neglect cases (including elder abuse), currently under investigation by law enforcement agencies.

In addition, Pennsylvania's Older Adults Protective Services Act (OAPSA)⁵⁴ provides access to services necessary to protect the health, safety and welfare of older adults (age 60 +) who lack the capacity to protect themselves and who are at imminent risk of abuse, neglect, exploitation or abandonment. The OAPSA and the regulations written by the Department of Aging jointly establish standards to ensure that protective services are uniformly provided throughout the Commonwealth. Any person who reasonably believes that an older adult is being abused, neglected, exploited or abandoned can file a report with the local area agency on aging. People reporting abuse may choose to remain anonymous and still be assured that their report will be investigated. The area agency on aging must provide toll-free telephone access to enable reports of abuse 24 hours a day, 365 days a year. The number is 1-800-490-8505. An employee or an administrator of a personal care home, nursing home, home health care agency, adult daily living center or domiciliary care home has a mandatory obligation to make an immediate oral report to the area agency on aging when they have reasonable cause to believe that abuse has occurred. Also, when the abuse rises to the level of serious bodily injury, serious physical injury, sexual abuse or results in death, these same employees have a mandatory obligation to report to law enforcement and the Pennsylvania Department of Aging. Every report that an agency receives must be investigated to determine whether the older person named in the report needs protective services. The general public has the ability to voice complaints which are investigated in a timely manner. A local area agency on aging must obtain the older person's informed consent before providing protective services unless the services are ordered by a court, requested by a court appointed guardian or provided under an involuntary emergency intervention court order.

⁵² 18 Pa. C.S.A. § 2713.

⁵³ A "caretaker" is defined as a person who has an obligation to care for a care-dependent person for <u>monetary consideration</u> in a nursing home, personal care home, domiciliary care home, community residential facility, intermediate care facility for the mentally retarded, adult daily living center, home health agency or home health service provider or in the care dependent person's home. Therefore, a family member, who does not receive monetary compensation, cannot be prosecuted under §2713 as he/she is not considered a "caretaker." However, the abusive family member may be charged with other crimes for abuse such as assault.

^{54 35} P.S.§ 10211 et seq.

Along with the OAPSA, Articles IX and X of the Public Welfare Code give representatives of the Department of Public Welfare the authority to inspect, monitor and investigate complaints on behalf of residents living in licensed personal care/assisted living facilities.⁵⁵ The majority of all residents in these facilities are elderly. At a minimum, inspections take place once a year and more often as necessary. Finally, nursing homes are reviewed and inspected by representatives of the Pennsylvania Department of Health. The Department of Health received its authority from the Health Care Facilities Act. ⁵⁶

"By the end of the year, every nursing home in the state will have copies of the Medicaid Fraud Patient Neglect handbook to identify the signs of abuse and neglect and provide vital information on how to report these incidents."

Attorney General Mike Fisher November 5, 1999 at the Pittsburgh Hearing



⁵⁵ 62 P.S. §§ 901-922 and 1001-1080; amended under sections 211-213 and 1001-1087 of the Public Welfare Code, 62 P.S. §§ 211-213 and 1001-1087.

⁵⁶ 35 P.S. § 448.101 et seq.

IDENTIFYING THE PROBLEM

Despite current law, elder abuse continues to be a serious problem in the Commonwealth of Pennsylvania. At a Task Force Regional public hearing held in Pittsburgh on November 5, 1999, the Task Force heard emotional testimony from Mary Beth, the daughter of a victim of alleged elder abuse. In February of 1999, Mary Beth's 83-year-old mother was admitted to the hospital for a subdural hematoma, a broken collar bone and broken hip which occurred at a nursing home. Mary Beth received several different stories of how the incident occurred. The first story involved her mother walking around in the middle of night, falling and then climbing back into bed. However, she was suspicious of this explanation as her mother had not walked in over two years and had been confined to a wheelchair. The second story involved an aide dropping her mother while bathing her. The third version involved her mother falling in her room while a nurse's aide was putting her in a shower chair. In addition to the varying stories, the nursing home did not take her mother to the hospital until 12 hours later, causing her to lay in bed with a broken hip, a broken collar bone and subdural hematoma. Prior to this, her mother had suffered injuries requiring stitches in her head and a broken wrist. On one occasion, she found her mother in the cafeteria, directly across from the nurse's station, sitting in her bra.

Despite paying the nursing home \$3,000 per month⁵⁷, the nursing home appeared to have a shortage of qualified staff. She witnessed a patient going to the bathroom in her clothes, because the staff did not attend to the patient for at least 12 minutes after the patient had alerted the staff that she needed to go to the bathroom. Mary Beth also testified about a patient in a geriatric chair, unable to feed herself, who lost weight and eventually passed away because the staff did not assist her in eating. Mary Beth had also witnessed aides lifting patients out of bed who were not certified to do this type of work.

Adrian Turowski, the Director of the Office of Program Management within the Pennsylvania Department of Aging, discussed the characteristics of victims and abusers. In the Commonwealth, under the Protective Services Act (1988), an older adult in need of protective services is defined as an incapacitated person over the age of 60 who is unable to obtain or perform services necessary to maintain physical or mental health, for whom there's no responsible caretaker and who is at risk of danger to his person or property. Under this act, protective services are defined as those activities, resources or supports provided to older adults to detect, reduce, prevent or eliminate abuse, exploitation and abandonment.⁵⁸

Approximately 70 percent of persons in need of protective services are over age 75. The majority of older people found to need protective services are female and dependant on their abusers. Most of the victims of abuse (38.5 percent) live in the community when the abuse occurs. Although only 5 percent of the older population lives in a long term care facility, residents of long term care facilities account for 14.1 percent of the substantiated cases of abuse, neglect, exploitation and abandonment. Abuse is most often committed by middle-aged (30-59) male family members who are care givers to the victim.

⁵⁷ Of which approximately \$2,600.00 is paid through the personal finances of Mary Beth's father.

⁵⁸ Testimony of Adrian Turowski.

Husbands are perpetrators of abuse in 10 percent of the cases; out of these, wives abuse their spouses 6.4 percent of the time. In 1998, the Pennsylvania Area Agencies on Aging received 8,175 reports of need for protective services. Of the 8,175 reports, 2,060 were substantiated. Self-neglect accounted for 40.2 percent of all substantiated cases, while neglect by a care-giver was involved in 15.1 percent of cases.⁵⁹

Finally, Dr. Dan Lago, an extension specialist on adult development and aging at Penn State University, explained the characteristics of aging that translate into increased vulnerability of the elderly. Dr. Lago pointed out that some of the primary characteristics which affect the older person include disease, cognition, dementia, mental health and social factors. When victims who are abused in long term care facilities or by family members do not respond to abuse, it may be due to depression or dependancy on their care-givers. With depression, an older person tends to be passive with regard to physical, emotional and financial abuse. With dependancy, an older person tends to believe that alternatives to his/her present situation may be worse. For example, if a victim is living with a family member who physically, emotionally or financially abuses them, the victim may believe that relocating to a nursing home is a worse alternative and consequently does not report the abuse.



⁵⁹ Id

⁶⁰ Testimony of Dr. Lago before the Southwestern Region Hearing on Elder Abuse, November 5, 1999.

⁶¹ Id.

ELDER ABUSE RECOMMENDATIONS

Education Partnerships: The Task Force recommends the development of partnerships between hospitals and local area agencies on aging. The area agencies on aging could work with the social service department in the hospital to create a discharge plan for each patient. The discharge plan would provide various options and background information to the patient's family members regarding long term care facilities and any support or advocacy groups. Hospitals could also provide patients with pamphlets regarding area agencies on aging services.

Information on Abuse: The Task Force recommends that family members who are making a decision as to whether to put their loved one in a nursing home or personal care home be provided with certain core information. Such information is already contained in the state survey which is on the premises of nursing homes and personal care homes. Families should be advised of the state surveys both orally and through the written contract for services. Specifically, the Task Force recommends that families initial a separate statement in the contract which informs them of their right to review the state survey prior to signing the contract. Furthermore, family members should be given a list of phone numbers to contact in the event there is a problem with abuse or neglect at the long term care facility. The Pennsylvania Office of Attorney General should continue its existing education outreach on this subject by ensuring that every nursing home in the Commonwealth has copies of the Medicaid Fraud Patient Neglect Pamphlet which identifies the signs of abuse and neglect and provides vital information on how to report these incidents.

<u>Patient and Family Support Groups</u>: Support groups should be established as a channel of communication to inform patients, residents and family members of their rights. These groups could be formed through Ombudsman, county bar associations and local social service agencies.

<u>Oualified Personnel Legislation</u>: In order to prevent abuse, the Task Force believes that the reasons for abuse must first be addressed. The Task Force recommends legislation which would require long term care facilities and assisted living centers to increase the ratio of qualified personnel to patients/residents. In addition, employees of personal care homes and assisted living centers should have minimum licensing requirements. These recommendations would alleviate some of the problems associated with under-staffing and unqualified employees.

Amendment to Older Adults Protective Services Act (OAPSA): The Task Force recommends that OAPSA be amended to allow the local area agencies on aging jurisdiction to investigate reports of abuse received from employees of long term care facilities regardless of the age of the victim. At the present time, Act 13 of 1997, which amended OAPSA, requires employees and administrators of nursing homes, personal care homes, adult daily living centers, domiciliary care homes and home health care providers to report suspected abuse. However, OAPSA allows only area agencies on aging to investigate reports involving victims over age 60.

Financial Exploitation

BACKGROUND

Financial exploitation of the elderly, defined as "deception for unlawful gain," 62 robs senior citizens of their investments, their life savings and in some other cases, their homes and property.

Senior victims of financial abuse are often unable to ask for help, think nothing can be done to recover their money or are often dependent on the very people who commit the fraud. At times, the elderly, perhaps due to physical impairments or mental limitations, are unaware that they have been victimized.⁶³

All too often, financial exploitation goes unreported because the theft has been committed by someone the victim knows and fears. Victims tend to be above average in education and income, but by virtue of their age, may be more trusting and feel too embarrassed to seek help.⁶⁴

Financial exploitation of the elderly takes place in all communities. Awareness, recognition and appropriate laws are needed to end it. The perpetrator of financial exploitation can be a stranger, a family member, friend, acquaintance or even a Power of Attorney - anyone who may mismanage income or assets, sign checks or documents without consent, charge excessive fees, use undue influence to obtain money or make rather large gifts to themselves.

FINANCIAL EXPLOITATION WHEN IDENTIFIED IN A FINANCIAL INSTITUTION

Frequently, the signs associated with financial exploitation are seen within financial institutions. Bank employees are often the first ones to notice these signs or "red flags." Indicators include unusual volume of banking activity within the elderly persons account; activity within the account that is inconsistent with usual patterns; strange people coming to the bank with the elderly person; changes on signature cards; signatures on checks that do not match the elderly person's and changes in the elderly person's personal appearance or behavior. Often bank tellers know the elderly person and notice such changes. Unfortunately, financial institution employees are often unsure as to whether they are obligated to report suspected abuse. Employees may also fear liability for reporting incidents of suspected abuse, including financial exploitation of the elderly.

⁶² "Cheating the Elderly: Financial Exploitation of the Elderly." Program Participants Guide, page 6. 1998 Video conference.
⁶³ Id.

⁶⁴ Id.

FINANCIAL EXPLOITATION WHEN COMMITTED BY A POWER OF ATTORNEY

One defect in Pennsylvania law is the lack of financial accounting requirements by those acting as a Power of Attorney. Presently, a Power of Attorney is not required to provide an accounting of assets and/or expenditures. The purpose of the Power of Attorney is to designate someone to act on behalf of a person's interests. People often choose a person that they trust will care for their financial matters in their best interest. However, all too often, that trust is breached by the Power of Attorney for their own financial gain.

Many of the cases of financial exploitation that come before the District Attorney's Office involve family members who have been appointed as the Power of Attorney. Frequently, the case is reported to law enforcement only after all of the assets have been drained from the elderly person's account, the credit cards have been "maxed" out or the agent has "made gifts" to themselves which depleted the account.

Current Pennsylvania law permits an agent to make gifts to themselves or to others.⁶⁶ This means that the Power of Attorney can go into a bank, write a check made out to themselves and cash it without any accounting being required and without letting the older person know about the transaction. The Power of Attorney can also make gifts to anyone they please. These aspects of the current state law allow financial abuse and exploitation to occur.

CONCLUSION

Like the care of children, the health and safety of the elderly is the public's responsibility. Only with the collaborative support of the public and the legislature can abuse, including financial exploitation, be brought to light and addressed with appropriate action. Addressing the problem of financial abuse is necessary to protect not only Pennsylvania's seniors' resources, but their self-esteem as well. Situations involving missing, misused or stolen money/assets of an older person; unexpected changes in an older person's bank accounts; unusual financial arrangements; breach of fiduciary relationships, such as by powers of attorney or guardians and scams and fraud need to be properly reported to law enforcement and/or local area agency on aging offices. Those who commit such outrageous crimes, need to be exposed to strict sentencing guidelines when facing punishment for their actions.

Too frequently, individuals who have been found guilty of stealing hundreds of thousands of dollars from an elderly person, receive probation because the sentencing guidelines do not provide for incarceration. The Task Force urges that the proposed enhancements are necessary to prevent these types of financial crimes against the elderly and to make sure that the people that commit this type of crime pay

⁶⁵ Testimony of Assistant District Attorney Gene Talerico, Lackawanna County, before the Northeastern Region Hearing, January 19, 2000.

⁶⁶ Id.

for it by going to jail. This may cause others thinking about stealing money or taking financial advantage of an older Pennsylvanian to think twice before they do it. We strongly believe that our proposed enhancements/recommendations will send a strong message that Pennsylvania protects its senior citizens.

FINANCIAL EXPLOITATION RECOMMENDATIONS

<u>Duty Imposed Upon Financial Institutions</u>: The Task Force recommends that a duty be imposed upon financial institution employees to report suspected financial abuse to the appropriate agency such as the local Area Agency on Aging. Employees or agents, while undertaking this duty, should not be liable for reporting suspected abuse so long as the complaint is made in good faith.

Accounting Requirements for the Power of Attorney: The Task Force recommends that specific statutory provisions be adopted to protect against the victimization of seniors by a fiduciary. Specifically, the legislation should be adopted according to the following principles:

- A. An agent must file an account of his/her administration every 12 months.
- B. An account may be ordered by the Court at intervals of less than 12 months upon showing of cause by any party.
- C. All accounts shall be filed in the office of the clerk of Orphan's Court in the county where the principle resides.
- D. An agent shall have no power to make gifts on behalf of the elderly person unless the following provisions are specifically articulated within the Power of Attorney document:
 - 1. The name(s) of those permitted to receive gifts is identified;
 - 2. The maximum amount or value of a gift during a single accounting period (12 months) to the named person is revealed. NO gift in excess of the prescribed amount shall be permitted unless specifically authorized by the principal (elderly person) in writing or permitted by the Court; and

"Power of Attorney issues...if an attorney takes advantage of somebody, they should be nailed to the wall."

Michael Brier, Esq. Brier & Brier January 19, 2000 at the Scranton Hearing

- 3. In no event shall the total value of a gift during a single accounting period (12 months) exceed 5 percent of the total value of the principal's estate unless authorized in writing by the principal (elderly person) or permitted by the Court.
- E. A special accounting should be made to the Clerk of Orphan's Court if a gift is made in excess of 5 percent of the total value of the estate.
- 3. <u>Enhancing Sentencing Requirements for Crimes Against the Elderly</u>: Cases of financial exploitation extend beyond those involving powers of attorney making gifts to themselves or others. Elderly persons are often lied to, duped and conned into handing over their jewelry, their property and their money. Pyramid schemes, high-pressured telephone sales calls, so-called charitable donations, gimmick sales, insurance fraud, home repair schemes and credit card fraud are all methods used to steal from seniors.

In many cases, perpetrators of financial offenses committed against older persons either are allowed to get away with their actions or are given punishments that do not fit the crime. District Attorneys from across the Commonwealth can readily attest that under the current system, even though felony crimes have been committed, the court gives probation rather than incarceration - an option that falls within the current sentencing guidelines.

Therefore, the Task Force recommends that the following crimes be included in mandatory sentencing enhancements:

- A. Theft by failure to make disposition of funds
- B. Crimes dealing with credit cards and credit card fraud
- C. Fraudulent business practices
- D. Securing execution of documents by deception
- E. Simple assault, when committed against an elderly person

"My office has received complaints from seniors who are victims of investment schemes, bogus insurance sales, and con artists who deceptively obtain a Power of Attorney to take control over a person's estate or financial matter."

Attorney General Mike Fisher January 19, 2000 at the Scranton Hearing

Recommendations

TELEMARKETING AND SWEEPSTAKES RECOMMENDATIONS

Policy Initiatives

- 1. <u>Creation of "Do Not Call" List</u>: The Task Force recommends that legislation be enacted establishing a statewide database of telephone subscribers who do not want to receive any telephone calls from telemarketers.¹ If necessary, the consumers could be required to pay a minimal annual fee covering the cost of providing this service. Additionally, such legislation should provide for the assessment of a substantial penalty against any telemarketer calling a person included on the list.
- 2. <u>Creation of "Do Not Send" Database</u>: The Task Force recommends enacting legislation establishing a statewide database of people who do not want to receive any sweepstakes solicitations. The Attorney General's Office and the U.S. Postal Service (or a private contractor) could join forces to compile and maintain this database. Although there are trade associations which have compiled lists of people who do not want to receive solicitations, the effort has not been entirely successful for various reasons.
- 3. <u>Courier Pickup and Delivery Services</u>: Because fraudulent businesses often use courier and delivery services, the Task Force recommends that legislation be enacted prohibiting companies from using a courier to retrieve a consumer's deposit or payment in connection with a prize promotion or the recovery of money previously lost by the consumer.² This legislation would make it tougher for unscrupulous telemarketers to collect the money from trusting consumers who never collect the prize promised.
- 4. **Prohibit Blocking of Caller I.D. Service**: The Task Force recommends that legislation be enacted prohibiting telemarketers from blocking the use of a consumer's Caller I.D. service.³ This legislation would be helpful to consumers of all ages by enabling them to screen their calls and not answer calls from telemarketers.
- 5. <u>Increased Privacy Protection</u>: The Task Force recommends enacting legislation to protect people's private information, such as social security numbers, dates of birth, and personal financial information. The elderly can be easily misled into believing that they have won a sweepstakes by telemarketers who bolster their credibility by disclosing private information about the consumer.

¹ The following states have created a "do not call" list: Arkansas, Georgia, Kentucky, Florida, Missouri, New York, Oregon, Tennessee and Texas.

² In 1999, New York enacted S.B. 4143 which prohibits courier pickup and delivery services.

³ Illinois enacted H.B. 157 which prohibits blocking of Caller I.D. service, which went into effect on January 1, 2000.

Educational Initiatives

The Task Force focused on educational initiatives because of the relative ease with which they can be implemented. The Task Force believes that the following additional recommendations will have an immediate impact by helping current victims and preventing others from being victimized.

- 1. Statewide Advertising Program: The Task Force recommends that a statewide advertising program on telemarketing and sweepstakes fraud be put into place immediately. These advertisements should be simple and straightforward in order to reach seniors with information regarding their rights. Pennsylvania victims could be represented in the advertisements, which should include television and public service announcements, as well as, print advertisements in newspapers and magazines. Local victims could be the focus of advertisements in regional publications.¹
- 2. <u>Toll Free Number for Support and Help</u>: The Task Force recommends that a support number be available for the elderly to call. This will be especially helpful to people who are embarrassed and need the confidentiality of this type of service. Advertisements publicizing this number should likewise be very simple. The Task Force members recommend including only the telephone number and a short description of the help available.
- 3. <u>Include Announcements with the "Meals on Wheels" Programs</u>: The Task Force recommends periodically including a one-page handout with each meal delivered to the homes of the elderly. This method of outreach is important because these people are generally unable to attend presentations at their local senior activities center.
- 4. <u>Continued Cooperation between State, Federal and County Agencies</u>: The Task Force recommends continued cooperation between all agencies who provide services to the elderly. For example, providing information to other agencies to distribute at presentations or senior fairs.
- 5. Educate about Internet Sweepstakes: The Task Force recommends educating the elderly about Internet sweepstakes because of the increased use of computers by senior citizens. There were at least 500 online sweepstakes in 1998 and that number is expected to increase rapidly.² Because many elderly are retired and can spend time on the Internet, they are at an increased risk of becoming victims of deceptive online sweepstakes.

¹ The Johnstown Senior Activities Center, 550 Main Street, Johnstown, has a monthly publication, Senior Spirit.

² Mark Grossman, *The Internet Sweepstakes Formula: Don't Cut Corners*, 4 Internet Newsl.: Legal and Bus. Aspects 6 (1999).

HOME IMPROVEMENT RECOMMENDATIONS

- 1. <u>Support passage of a Home Improvement Consumer Protection Law</u>: The Task Force believes that the enactment of legislation providing for statewide registration of home improvement contractors, enhanced criminal penalties for home improvement fraud, and the establishment of a fund to reimburse consumers for uncollectible losses would help to prevent and prosecute home improvement fraud.
- 2. **Restructure Reporting Process**: Have the Attorney General's Office develop a more comprehensive system to define and report home improvement complaints. The Bureau of Consumer Protection's existing method of compiling complaint statistics could be expanded to further define categories of conduct, i.e. painting, repairs to existing structures, replacement windows, etc.
- 3. <u>Education of District Justices and District Attorneys</u>: The Task Force strongly recommends an educational program for District Justices and District Attorneys on what to look for in home improvement fraud cases.
- 4. <u>Continue Working With the Industry</u>: In the past, the Office of Attorney General has worked with the building industry to create educational materials, such as the "Looking For a Builder?" brochure and the Public Service Announcement entitled "How to Keep Your Remodeling Job From Turning Into a House of Horror," which were joint projects with the Pennsylvania Builders Association. The Task Force strongly recommends continuing this practice of cooperation.
- 5. Promote Online Access to Home Improvement Contractor Judgments: One of the most innovative developments in the fight to protect consumers from unscrupulous contractors is access to Civil Docket information.¹ The First Judicial District in Philadelphia is one of the first courts in the nation to go on-line with Internet access to detailed lawsuits contained in Civil Dockets. The entire on-line system contains an estimated 1.7 million civil cases.² Consumers can now check lawsuit data to determine whether a prospective contractor has a history of being sued and the results of those actions.³ Using the existing Philadelphia Database as a model, the Task Force recommends the creation of such a database in each county of the Commonwealth. These databases would contain the names of all contractors in each county who have judgments against them. Also, we recommend that a link be established between the registration database (proposed in the Home Improvement Consumer Protection Act) with the judgment databases so that the callers to the 800 Registration number will be able to ascertain if the contractor has any outstanding judgments. Finally, we recommend that a link be created on the Pennsylvania Office of Attorney General's Website to the registration and judgment databases.

¹Testimony of DONALD A. VARLEY, JR., Internet Administrator for the First Judicial District of Pennsylvania, the Philadelphia Courts.

² Id.

³ Id.

SENIOR HEALTH CARE RECOMMENDATIONS

- 1. <u>Consolidated Education and Outreach</u>: While the Task Force realizes that education is the most valuable method of protecting older Pennsylvanians from health care fraud in a competitive and rapidly changing health care market, it is strongly recommended that dissemination of this information be consolidated. All resources should be focused on integrating the massive amount of information available to seniors in order to facilitate the accessibility of health care.
- 2. <u>Develop Official Directory of Toll-Free Numbers</u>: With the ever changing nature of health care, consumers may be getting "lost in the shuffle" or overwhelmed by information from these agencies or groups trying to assist them. This is illustrated by the comments of Attorney General Mike Fisher at the Harrisburg Public Hearing:

"Just what I'm hearing from the three of you (testimony presented by John Greth, Nora Dowd and Joyce O'Brien) today is three separate places where people can call. So what we see is a proliferation out here of 1-800 numbers, which in and of itself, has to be confusing to the consumer as to whom it is you call and why you would call the Ombudsman for one and southeastern Pennsylvania CARIE for another, or elsewhere APPRISE for another. Even my Office has an 800 number. I believe, that there should be another section of the phone book (Red Pages) to serve as a reference guide to older Pennsylvanians."

The Task Force proposes the development of a comprehensive official directory containing a guide to services statewide; a description of what each service offers; and a list of toll-free numbers. These directories could be distributed to police departments, schools, municipal buildings, libraries, county buildings, and all law enforcement and health care related agencies within the public and private sectors. Funding for this project might come from the phone companies who could include the directories in phone books. Further, the advertising of the directories could come from public service announcements and literature placed in public and private health related and law enforcement agencies.

3. Expand State-Funded Training on Neglect and Abuse: Act 28 of 1995¹ gives the Office of Attorney General and District Attorneys across the state jurisdiction to investigate and prosecute cases of neglect or mistreatment of a care-dependent person. The Pennsylvania Office of Attorney General, through its Medicaid Fraud Unit, continues to provide Act 28 training to professionals across the Commonwealth. The training creates public awareness of abuse and neglect and educates members of law enforcement and the health care community. It is proposed that the training be expanded through additional funding to include outreach to the public, especially the senior community. Raising awareness of health care fraud and abuse through inserts in everyday items such as monthly utility bills was suggested. It is also strongly recommended that legislators send out newsletters to their constituents periodically regarding the availability of information and education on health care fraud and available options.

4. <u>Continue Sponsoring APPRISE Program</u>: The Task Force strongly recommends the continuation of the APPRISE program administered by the Pennsylvania Department of Aging. APPRISE is designed to assist and educate the elderly in the selection and understanding of health insurance options. Through testimony submitted by APPRISE during the Central Region Task Force Hearing, the Task Force recognizes that funding for the advertising of this program is limited. Therefore, additional funds should be granted to elevate the awareness of the benefits and existence of this worthwhile program.

"Send a message to the criminals that we in law enforcement will do everything in our power to see that they are severely punished. But equally important, these enhancements in criminal penalties will reconfirm law enforcement's commitment to protecting the interest and the well-being of older Pennsylvanians."

District Attorney George Skumanick, Jr. Wyoming County January 19, 2000 at the Scranton Hearing



¹ 18 Pa. C.S.A. § 2713.

ELDER ABUSE RECOMMENDATIONS

- 1. **Education Partnerships**: The Task Force recommends the development of partnerships between hospitals and local area agencies on aging. The area agencies on aging could work with the social service department in the hospital to create a discharge plan for the patient. The discharge plan would provide various options and background information to the patient's family members regarding long term care facilities and any support or advocacy groups. Hospitals could also provide patients with pamphlets regarding area agencies on aging services.
- 2. Information on Abuse: The Task Force recommends that family members who are making a decision as to whether to put their loved one in a nursing home or personal care home be provided with certain core information. Such information is already contained in the state survey which is on the premises of nursing homes and personal care homes. Families should be advised of the state surveys both orally and through the written contract for services. Specifically, the Task Force recommends that families initial a separate statement in the contract which informs them of their right to review the state survey prior to signing the contract. Furthermore, family members should be given a list of phone numbers to contact in the event there is a problem with abuse or neglect at the long term care facility. The Pennsylvania Office of Attorney General should continue its existing education outreach on this subject by ensuring that every nursing home in the Commonwealth has copies of the Medicaid Fraud Patient Neglect Pamphlet which identifies the signs of abuse and neglect and provides vital information on how to report these incidents.
- 3. **Patient and Family Support Groups**: Support groups should be established as a channel of communication to inform patients, residents and family members of their rights. These groups could be formed through Ombudsman, county bar associations and local social service agencies.
- 4. **Qualified Personnel Legislation**: In order to prevent abuse, the Task Force believes that the reasons for abuse must first be addressed. The Task Force recommends legislation which would require long term care facilities and assisted living centers to increase the ratio of qualified personnel to patients/residents. In addition, employees of personal care homes and assisted living centers should have minimum licensing requirements. These recommendations would alleviate some of the problems associated with under-staffing and unqualified employees.
- 5. Amendment to Older Adults Protective Services Act (OAPSA): The Task Force recommends that OAPSA be amended to allow the local area agencies on aging jurisdiction to investigate reports of abuse received from employees of long term care facilities regardless of the age of the victim. At the present time, Act 13 of 1997, which amended OAPSA, requires employees and administrators of nursing homes, personal care homes, adult daily living centers, domiciliary care homes and home health care providers to report suspected abuse. However, OAPSA allows only area agencies on aging to investigate reports involving victims over age 60.

FINANCIAL EXPLOITATION RECOMMENDATIONS

- 1. <u>Duty Imposed Upon Financial Institutions</u>: The Task Force recommends that a duty be imposed upon financial institution employees to report suspected financial abuse to the appropriate agency such as the local Area Agency on Aging. Employees or agents, while undertaking this duty should not be liable for reporting suspected abuse so long as the complaint is made in good faith.
- 2. **Accounting Requirements for the Power of Attorney**: The Task Force recommends that specific statutory provisions be adopted to protect against the victimization of seniors by a fiduciary. Specifically, the legislation should be adopted according to the following principles:
 - A. An agent must file an account of his/her administration every 12 months.
 - B. An account may be ordered by the Court at intervals of less than 12 months upon showing of cause by any party.
 - C. All accounts shall be filed in the office of the clerk of Orphan's Court in the county where the principle resides.
 - D. An agent shall have no power to make gifts on behalf of the elderly person unless the following provisions are specifically articulated within the Power of Attorney document:
 - 1. The name(s) of those permitted to receive gifts is identified;
 - 2. The maximum amount or value of a gift during a single accounting period (12 months) to the named person is revealed. NO gift in excess of the prescribed amount shall be permitted unless specifically authorized by the agent (elderly person) in writing or permitted by the Court; and
 - 3. In no event shall the total value of a gift during a single accounting period (12 months) exceed 5 percent of the total value of the principal's estate unless authorized in writing by the principal (elderly person) or permitted by the Court.
 - E. A special accounting should be made to the Clerk of Orphan's Court if a gift is made in excess of 5 percent of the total value of the estate.
- 3. Enhancing Sentencing Requirements for Crimes Against the Elderly: Cases of financial exploitation extend beyond those involving powers of attorney making gifts to themselves or others. Elderly persons are often lied to, duped and conned into handing over their jewelry, their property and their money. Pyramid schemes, high-pressured telephone sales calls; so-called charitable donations; gimmick sales; insurance fraud; home repair schemes; and credit card fraud are all methods used to steal from seniors.

In many cases, perpetrators of financial offenses committed against older persons either are allowed to get away with their actions or are given punishments that do not fit the crime. District Attorneys from across the Commonwealth can readily attest that under the current system, even though felony crimes have been committed, the court gives probation rather than incarceration - an option that falls within the current sentencing guidelines.

Therefore, the Task Force recommends that the following crimes be included in mandatory sentencing enhancements:

- A. Theft by failure to make disposition of funds
- B. Crimes dealing with credit cards and credit card fraud
- C. Fraudulent business practices
- D. Securing execution of documents by deception
- E. Simple assault, when committed against an elderly person.

"Telemarketing and sweepstakes fraud...this type of fraud ranks second on our top 20 list of complaints among senior citizens."

Attorney General Mike Fisher October 25, 1999 at the Johnstown Hearing

"UnscrupulousTelemarketing solicitors...these people are out to hurt you, they're not out to help you."

District Attorney Dave Tulowitzki Cambria County October 25, 1999 at the Johnstown Hearing

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Northeast Council of Senior Citizens

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Vintage USA, Inc.

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Honorable David Tulowitzki District Attorney Cambria County

Jodie L. Yarger
Director of Long-Term Care
Clearfield County Area Agency on Aging

RESOURCE GUIDE

Aging, Pennsylvania Department of 555 Walnut Street 5th Floor Harrisburg, PA 17101-1919 website: www.aging.state.pa.us	(717) 783-3126
Airline Service Complaints	(202) 366-2220
US Department of Transportation	
American Association of Retired Persons	(717) 238-2277
225 Market Street	
Suite 502	
Harrisburg, PA 17101	
website: www.aarp.org	
Auto Safety - Recalls	(800) 424-9393
National Highway Safety Administration	(000) == 000
g , ,	
Banking, Pennsylvania Department of	(800) 722-2657
Consumer Complaint Hotline	
333 Market Street	
Harrisburg, PA 17101-2290	
website: www.banking.state.pa.us	
Bankruptcy Court (Federal)	
Pittsburgh	(412) 644-4533
Harrisburg	(717) 901-2840
Wilkes-Barre	(570) 826-6450
Reading	(610) 320-5093
Philadelphia	(215) 408-2800
	(210) 100 2000
Better Business Bureaus	
Allentown	(610) 866-8780
website: www.easternpa.bbb.org	
Lancaster	(717) 291-1151
Philadelphia	(215) 985-9313
website: www.easternpa.bbb.org	
Pittsburgh	(412) 456-2700
website: www.pittsburgh.bbb.org	
Scranton	(570) 342-9129
website: www.nepa.bbb.org	

Cable	
Pennsylvania Cable TV Association	(717) 234-2190
website: www.pcta.com	,
Cable Services Bureau (FCC)	(202) 418-7200
website: www.fcc.gov/csb	
Charitable Organizations	
PA Department of State	(800) 732-0999
PA Office of Attorney General	(717) 783-2853
14th Floor, Strawberry Square	
Harrisburg, PA 17120	
Consumer Advocate	(717) 783-5048
Utility Consumer Problems	
PA Office of Attorney General	
555 Walnut Street, 5th Floor	
Forum Place	
Harrisburg, PA 17101-1923	
website: oca.state.pa.us	
Consumer Credit Counseling Service	(800) 388-2227
Consumer Product Safety Commission	(800) 638-2772
Corporation Bureau	(717) 787-1057
PA Department of State	, ,
308 North Office Building	
Harrisburg, PA 17120-0029	
website: www.dos.state.pa.us/corp.htm	
Employment	
Green Thumb	(717) 731-8350
Pennsylvania Office	
5010 Lenker Street	
Mechanicsburg, PA 17055-2440	
Environmental Protection Agency	(800) 438-2474
(Federal)	
website: http://www.epa.gov/region03	
Federal Communications Commission	(202) 418-0200
/	(202) 418-0190
(General Information) voice mail	
1919 M. Street, N.W. Room 254 toll free	(888) 225-5322
	(888) 225-5322

Federal Trade Commission National Advertising Scams	(202) 326-2222
PA Association of Non-Profit Homes for the Aging Ronald Barth, President/CEO Executive Park West, Suite 409 4720 Old Gettysburg Road Mechanicsburg, PA 17055 website: www.panpha.org	(717) 763-5724
Human Relations Commission General Information Suite 300, 101 South Second Street Harrisburg, PA 17101	(717) 787-4410
Information & Referral National Council of Senior Citizens Regional Development Corporation 210 South Centre Street Pottsville, PA 17901	(570) 628-5215
PA Association of RSVP Directors Margaret Mattocks, Director 956 S. Main Street Meadville, PA 16335	(814) 336-6111
Action Alliance for Senior Citizens Pedro Rodriguez 1201 Chestnut Street, 5 th Floor Philadelphia, PA 19107-4123	(215) 557-0751
Coalition of Advocates of the Rights of the Infirm Elderly (CARIE) 1315 Walnut Street, Suite 1000 Philadelphia, PA 19107 website: www.carie.org	(215) 545-5728
Insurance, Pennsylvania Department of Complaints and Information 1321 Strawberry Square Harrisburg, PA 17120 website: www.insurance.state.pa.us	(717) 787-2317
Insurance Consumer Hotline	(877) 881-6388

Mail Fraud and Postal Crimes	(800) 654-8896
US Postal Service	` ,
**first - contact your local Post Office for help	
Medicare	(800) 382-1274
Motor Vehicles, Bureau of	(800) 932-4600
Registration and Title Information	, ,
PA Department of Transportation	
National Credit Union Administration	(703) 518-6300
1775 Duke Street	,
Alexandria, VA 22314-3428	
website: www.ncua.gov	
Pennsylvania Securities Commission	(717) 787-8061
2 nd Floor, Eastgate	, ,
1010 North 7th Street	
Harrisburg, PA 17102-1410	
website: www.psc.state.pa.us	
Public Utility Commission	(800) 782-1110
Consumer Complaints	
North Office Building	
P.O. Box 3265	
Harrisburg, PA 17105-3265	
Revenue, Pennsylvania Department of	(717) 787-8201
General Tax Information	
Strawberry Square	
Harrisburg, PA 17128	
Senior Citizens Legal Advice Hotline (50+)	(800) 262-5297
Small Business Administration	(717) 782-3840
100 Chestnut Street, Suite 307	
Harrisburg, PA 17101	
websites: Pittsburgh - www.sba.gov/pa/pitt	
Philadelphia - www.sba.gov/pa/phil	
US Attorney's Office	
Eastern Region	(215) 451-5200
Middle Region	(717) 221-4482
Western Region	(412) 644-3500

Welfare, Pennsylvania Department of Income Maintenance Hotline Welfare Fraud Tip Line	(800) 692-7462 (800) 932-0582
Pennsylvania's Area Agencies on Aging:	
Adams County Office for Aging, Inc. 318 W. Middle Street Gettysburg, PA 17325	(717) 334-9296
Dept. of Aging - County of Allegheny 441 Smithfield Street Building 2 nd Floor Pittsburgh, PA 15222-2219	(412) 350-4234
Armstrong County AAA 125 Queen Street Kittanning, PA 16201	(724) 548-3290 (800) 368-1066
Beaver County Office on Aging Stone Point Landing, Suite 202 500 Market Street, W. Bridgewater Beaver, PA 15009	(724) 728-7707
Berks County AAA County Services Center 633 Court Street, 1st Floor Reading, PA 19601-4303	(610) 478-6500
Blair Senior Services, Inc. 1320 12 th Avenue Altoona, PA 16601	(814) 946-1235
Bucks County AAA 30 E. Oakland Avenue Doylestown, PA 18901	(215) 348-0510
Butler County AAA 111 Sunnyview Circle, Suite 101 Building 3 Butler, PA 16001-3547	(724) 282-3008
Cambria County AAA Central Park Complex 110 Franklin Street, Suite 400 Johnstown, PA 15901	(814) 472-5585 (800) 992-4464

Office of Human Services, Inc. Cameron/Elk/McKean P.O. Box A Ridgway, PA 15853	(814) 776-2191 (800) 672-7145
Carbon County AAA 1122 North Street P.O. Box 251 Jim Thorpe, PA 18229-0251	(570) 325-2726 (800) 441-1315
Centre County Office of Aging Willowbank Office Building 420 Holmes Street Bellefonte, PA 16823-1488	(814) 355-6716
Department of Aging Services Govt. Services Center (Chester) 601 Westtown Road, Suite 320 West Chester, PA 19382-4525	(610) 344-6350
Clarion County AAA 12 Grant Street Clarion, PA 16214	(814) 226-4640
Clearfield County AAA 103 N. Front Street P.O. Box 550 Clearfield, PA 16830	(814) 765-2696
Columbia/Montour AAA 702 Sawmill Road Suite 201 Bloomsburg, PA 17815	(570) 784-9272
Active Aging, Inc Crawford County 1034 Park Avenue Meadville, PA 16335	(814) 336-1792
Cumberland County Office of Aging Human Services Building 16 W. High Street, Suite 100 Carlisle, PA 17013-2922	(717) 240-6110
Dauphin County AAA 25 S. Front Street Harrisburg, PA 17101-2025	(717) 255-2790

County of Delaware Services of the Aging 20 S. 69 th Street, 4 th Floor Upper Darby, PA 19082	(610) 713-2100 (610) 713-2121
Greater Erie Community Action Committee Erie County AAA 18 W. Ninth Street Erie, PA 16501	(814) 459-4581
Southwestern PA AAA, Inc. Fayette/Greene/Washington Eastgate 8 Monessen, PA 15062	(724) 684-9000 (800) 342-8980
Franklin County AAA 218 N. 2 nd Street Chambersburg, PA 17201	(717) 263-2153
Huntingdon/Bedford/Fulton AAA 240 Wood Street P.O. Box 46 Bedford, PA 15522	(814) 623-8148
Aging Services, Inc. Indiana County 1005 Oak Street P.O. Box 519 Indiana, PA 15701-0519	(724) 349-4500
Jefferson County AAA 186 Main Street Brookville, PA 15825	(814) 849-3096
Lackawanna County AAA Lackawanna County Courthouse Annex 200 Adams Avenue, 3 rd Floor Scranton, PA 18503	(570) 963-6707
Lancaster County Office of Aging 50 N. Duke Street, P.O. Box 83480 Lancaster, PA 17608-3480	(717) 299-7979
Lawrence County AAA Suite 201, Old P.O. Complex 15 W. Washington Street New Castle, PA 16101-3907	(724) 658-3729

Lebanon County AAA 710 Maple Street Room 209 - Senior Centers Lebanon, PA 17046	(717) 273-9262
Lehigh County Office of Aging and Adult Services 17 S. 7 th Street Allentown, PA 18101	(610) 782-3036
Luzerne/Wyoming Counties Bureau for Aging 111 N. Pennsylvania Blvd. Wilkes-Barre, PA 18701	(570) 822-1158
Lycoming/Clinton Bi-County Office of Aging 352 E. Water Street Lock Haven, PA 17745	(570) 748-2906 (800) 222-2019
Mercer County AAA, Inc. 133 N. Pitt Street Mercer, PA 16137	(724) 662-6222
Mifflin/Juniata AAA, Inc. 1 Buena Vista Circle P.O. Box 750 Lewistown, PA 17044-0750	(717) 242-0315
Monroe County AAA 724-B Phillips Street Stroudsburg, PA 18360	(570) 420-3735
Montgomery County Aging and Adult Services Human Services Center 1430 DeKalb Street P.O. Box 311 Swede & Airy Streets Norristown, PA 19404-0311	(610) 278-3601
Northampton County AAA Governor Wolf Building 45 N. Second Street Easton, PA 18042-7740	(610) 559-3245 (800) 322-9269

Northumberland County AAA 2154 Trevorton Road Coal Township, PA 17866	(570) 644-4545 (800) 479-2626
Perry County AAA 1st Floor - Rhinesmith Center Center Square P.O. Box 725 New Bloomfield, PA 17068	((717) 582-5128
Philadelphia Corp. for Aging 642 N. Broad Street Philadelphia, PA 19130-3409	(215) 765-9000
Pike County AAA 150 Pike City Blvd. Hawley, PA 18428	(570) 775-5550
Potter County Office of Aging 62 North Street Roulette, PA 16746	(814) 544-7315
Schuylkill County Office of Senior Services 110 E. Laurel Blvd. Pottsville, PA 17901	(570) 622-3103
AAA of Somerset County 1338 S. Edgewood Avenue Somerset, PA 15501	(814) 443-2681 (800) 452-0825
AAA for Tioga/Bradford/Susquehanna/ Sullivan Counties 220 Main Street - Unit 2 Towanda, PA 18848	(570) 265-6121
Union/Snyder County AAA 116 N. Second Street Lewisburg, PA 17837	(570) 524-2100
Venango County AAA 1283 Liberty Street P.O. Box 1130 Franklin, PA 16323	(814) 432-9711

Experience, Inc AAA	(814) 726-1700
Warren/Forest Counties	(800) 281-6545
905 4th Avenue, P.O. Box 886	
Warren, PA 16365	
Wayne County AAA	(570) 253-4262
323 Tenth Street	(3/0) 233-4202
Honesdale, PA 18431	
AAA of Westmoreland County	(724) 830-4444
2482 S. Grande Blvd.	. ,
Greensburg, PA 15601-8904	
Viola Carreta AAA	(717) 771 0(10
York County AAA	(717) 771-9610
141 W. Market Street	(800) 632-9073
York, PA 17401	

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Attorney General's Toll Free HEALTH CARE UNIT - CONSUMER HOTLINE 1-877-888-4877

